

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jenna Gordon, by her Guardians Debra and Marvin Gordon; Tenner Murphy, by his guardians Kay and Richard Murphy; Marrie Bottelson; Dionne Swanson; and on behalf of others similarly situated,

Civil File No. 16-cv-2623 (DWF/BRT)

Plaintiffs,

vs.

**DEFENDANTS' MOTION
TO DISMISS**

The Minnesota Department of Human Services, an agency of the State of Minnesota; and Emily Johnson Piper in her Capacity as Commissioner of the Minnesota Department of Human Services,

Defendants.

TO: PLAINTIFFS and their attorneys, Justin H. Perl, Mid-Minnesota Legal Aid Minnesota Disability Law Center, 430 First Avenue North, Suite 300, Minneapolis, Minnesota 55401 and Joseph W. Anthony, Steven M. Pincus, Laura A. Farley and Peter J. McElligott, Anthony Ostlund Baer & Louwagie P.A., 90 South 7th Street, 3600 Wells Fargo Center, Minneapolis, MN 55402.

Defendants Minnesota Department of Human Services and Commissioner Emily Johnson Piper move the Court to dismiss Plaintiffs' Complaint for failure to state a claim and lack of subject matter jurisdiction. This motion is made pursuant to Fed. R. Civ. P. 12(b)(1) and (6) and is based upon the files, records, and proceedings herein, including the memorandum of law filed and served with this motion.

Signature on Following Page

Dated: September 14, 2016

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